

# **Rule-Making Fact Sheet**

*(5 MRSA §8057-A)*

**AGENCY:** Department of Health & Human Services-Maine CDC Drinking Water Program

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:** Tera Pare, 11 State House Station, Augusta, ME, 287-5680

**CHAPTER NUMBER AND RULE TITLE:** *Rules Relating to Drinking Water* 10-144 CMR, Chapter 231

**STATUTORY AUTHORITY:** 22 M.R.S. §§ 42(3) & 42(3-B); 30-A M.R.S. §§ 4211, 4215 (4), & 4452; & 22-A M.R.S. § 205(2).

**DATE AND PLACE OF PUBLIC HEARING:** 10:00 Thursday January 7, 2016, Room 12, 1<sup>st</sup> Floor, Key Bank Plaza, 286 Water Street, Augusta, Maine.

**COMMENT DEADLINE:** January 18, 2016

## **PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:**

The principal reason that the Drinking Water Program is proposing these changes is to update and clarify regulation of public water systems. By removing definitions unused within these Rules, adding new definitions related to the upcoming Revised Total Coliform Rule and incorporated bottled water regulations, these updates will help operators and managers of public water systems understand what is required much better with these changes.

## **ANALYSIS AND EXPECTED OPERATION OF THE RULE:**

With relevant portions of Chapter 235 added to Chapter 231 (as well as inserting new language for bottled water and water vending machines) in Sections 2, 3(J), 4(K), 4(L)(2), 6(B) and Appendix A, public water systems will only need to refer to one Rule, rather than two. In Section 1-A, the Program proposes to add operator requirements for select transient public water systems, which will better protect public health, when the Department determines that testing and reporting (or treatment installation or maintenance) is not being followed, as required. In addition, these proposed changes better articulate sampling standards for source approval in Section 3, which means less questions or confusion during this process. Proposing clearer language that DWP approval is necessary for existing wells changing the chemistry or yield of the water in Section 3(H)(2)(g) will result in less misunderstandings. By adding requirements for tank and clearwell repairs, coating and painting of surfaces touching finished water in Section 4(M), clarify timelines and analysis reporting requirements for certified laboratories in Section 6(B) and monthly reports in 6(C), incorporating the Revised Total Coliform Rule, (effective April 1, 2016), the regulated community understands more and, therefore, will increase protection of public health. By updating and correcting references, citations, and typos throughout the Rule, revising direct references to the federal regulations and adding Appendix A, it will clarify requirements for all public water systems, including bottled water facilities.

## **FISCAL IMPACT OF THE RULE:**

**Counties/Municipalities:** These rule changes pose no fiscal impact to counties or municipalities.

**Department:** The requirement for annual routine inspection of the bottling facility by D.H.H.S. Maine CDC Drinking Water Program has been reduced in scope to only source and treatment oversight, as well as a reduction in frequency from annually to once every three years. These changes will save the Department approximately \$6,000, when considering all 30 facilities and all 8 field inspectors.

**Small Businesses:** These rule changes would save money for small businesses like bottlers, due to the potential for reducing sampling frequency.